



U.S. Department of Justice

United States Attorney
Eastern District of New York

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271 Cadman Plaza East
Brooklyn, New York 11201

December 7, 2010

By ECF & Hand Delivery

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Vincent Basciano
Criminal Docket No. 05-060 (NGG)

Dear Judge Garaufis:

The government respectfully submits this letter in response to the Court's order of November 30, 2010, directing the government to provide further information regarding the Metropolitan Correctional Center's ("MCC") legal visiting arrangements for the defendant Vincent Basciano.

The government has been advised by the MCC legal staff that the MCC no longer has the physical layout to accommodate contact legal visiting for SAMs inmates housed on 10 South. The MCC legal staff further advised that the contact legal visiting room it formerly had on 10 South has been modified and turned into a non-contact co-defendant meeting room. Accordingly, the MCC legal staff has advised that the MCC is not able to reasonably accommodate contact legal visits for Basciano at this time.

Recently, in United States v. Kassir, Judge Keenan concluded that the non-contact visiting arrangements at MCC in place for SAMs inmates do not burden a defendant's Sixth Amendment rights. 2008 WL 2695307, at *3 (S.D.N.Y. July 8, 2008) (citing Turner v. Safley, 482 U.S. 78, 96-97 (1982)). More specifically, Judge Keenan observed that both parties in the non-contact legal visits "can speak with each other without the need for an amplification device." Id. In addition, because Basciano has voluminous copies of his legal materials, and his attorneys are permitted to provide him with copies of legal materials during visits through an MCC officer, Basciano and his attorneys should be able "to review documents together, with defense counsel referring to his copy of a document and the defendant

referring to [his] copy." Id. In light of these arrangements, Judge Keenan found that the non-contact visits do not impose a "burden on document sharing between the defendant and his counsel," and that the requirement of non-contact visits is "'reasonably related' to the MCC's legitimate objective of protecting institutional security." Id.

Respectfully submitted,

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cc: Defense Counsel (via ECF)
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